



---

## 2007 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

10-26-2007

## Time Warner v. FCC

Follow this and additional works at: [https://digitalcommons.law.villanova.edu/thirdcircuit\\_2007](https://digitalcommons.law.villanova.edu/thirdcircuit_2007)

---

### Recommended Citation

"Time Warner v. FCC" (2007). *2007 Decisions*. 300.

[https://digitalcommons.law.villanova.edu/thirdcircuit\\_2007/300](https://digitalcommons.law.villanova.edu/thirdcircuit_2007/300)

This decision is brought to you for free and open access by the Opinions of the United States Court of Appeals for the Third Circuit at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in 2007 Decisions by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

Nos. 05-4769, 05-5153, 06-1466, 06-1467

---

TIME WARNER TELECOM, Inc.,

Petitioner in No. 05-4769,

v.

FEDERAL COMMUNICATIONS COMMISSION; and  
UNITED STATES OF AMERICA,

Respondents.

---

EARTHLINK INC.,

Petitioner in No. 05-5153,

v.

FEDERAL COMMUNICATIONS COMMISSION,

Respondent.

---

COMPTEL,

Petitioner in No. 06-1466,

v.

FEDERAL COMMUNICATIONS COMMISSION; and  
UNITED STATES OF AMERICA,

Respondents,

MONTANA SKY NETWORKS INC,  
d/b/a MONTANASKY.NET,

Intervenor.

---

ACN COMMUNICATIONS SERVICES INC.;  
BROADWING COMMUNICATIONS, LLC.; INTEGRA TELECOM INC;  
MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.; MPOWER  
COMMUNICATIONS CORP.; and PAC-WEST TELECOMM, INC.,

Petitioners in No. 06-1467,

v.

FEDERAL COMMUNICATIONS COMMISSION; and  
UNITED STATES OF AMERICA

Respondents.

---

On Petition for Review of a Final Order of the  
Federal Communications Commission

---

Argued March 16, 2007

Before: FUENTES, GREENBERG, and LOURIE,\* Circuit Judges.

---

\* Honorable Alan D. Lourie, United States Circuit Judge for the Federal Circuit,  
sitting by designation.

---

ORDER AMENDING OPINION

---

FUENTES, Circuit Judge

IT IS NOW ORDERED that the published Opinion in the above case filed October 16, 2007, be amended as follows:

On page 16, footnote n. 8, line 2, should read: (1) Time Warner Telecom, Inc., which provides broadband Internet access services using local transmission lines, both self-deployed and leased from ILECs (“time Warner”) . . . .

On page 28, footnote n. 11, line 1, should read: Time Warner does not dispute that cable modem broadband providers are the clear market leader in the provision of broadband service to residential customers. . . . .

By the Court,

/s/ Julio M. Fuentes  
Circuit Judge

DATED: October 26, 2007

CRG/cc: David P. Murray, Esq.  
James M. Carr, Esq.  
Nancy C. Garrison, Esq.  
Catherine G. O’Sullivan, Esq.  
Donna N. Lampert, Esq.  
Mark J. O’Connor, Esq.  
Stephen J. Rosen, Esq.  
Michael K. Kellogg, Esq.  
Andrew G. McBride, Esq.  
Robert B. McKenna, Esq.  
Stephen J. Rosen, Esq.  
Harold Feld, Esq.  
Ivan C. Evilsizer, Esq.  
John W. Butler, Esq.  
Mark J. Fink, Esq.  
Joshua M. Bobeck, Esq.